

DECISION

Dispute Codes OLC

Introduction

This is an application filed by the Tenant to obtain an order to have the Landlord comply with the Act, regulation or Tenancy Agreement. The Tenant seeks to have the Landlord Transfer the Tenant to an alternate rental unit within her building.

Both parties attended the hearing by conference call and gave testimony.

The Landlord has submitted in their evidence that the Respondent should be properly identified as the British Columbia Housing Management Commission instead of BC Housing as submitted by the Tenant. The Tenant has made no objection and I order that the application be amended to reflect the proper identification of the Landlord.

Issue(s) to be Decided

Is the Tenant entitled to an order to have the Landlord comply by transferring the Tenant to a rental unit on the top floor of her building?

Background and Evidence

The Tenant has filed a dispute that the Landlord is not complying with a transfer request to a top floor rental unit in her building. The Landlord states that the Tenant is on an active transfer list to be moved to another top floor unit in the building in keeping with a medical letter received by her Doctor. The Landlord states that the transfer request is based upon her Doctor's recommendation that she be placed in a top floor unit. The Tenant has restricted this to only her current building. The Landlord states that the British Columbia Housing Management Commission is not responsible under the Act, regulation or tenancy agreement to transfer the Tenant to a top floor rental unit. The Landlord has tried to accommodate the Tenant, but that the placements are on a priority basis and since the Tenant was approved for transfer, her priority for transfer has been lower than those Tenants placed in the units that were vacant. The placement for new Tenants without accommodation is a higher priority than that of the Tenant's situation.

Analysis

As both parties have attended the hearing by conference call and have referred to the other party's evidence package, I am satisfied that both have been properly served with the evidence and notice of hearing packages.

Based upon the evidence submitted and the direct testimony of both parties, I am satisfied that the Landlord has responded appropriately to the Tenant's request. The Tenant is still on the active transfer list, but based on her restrictions and the Landlord's higher priority requirements in placing other Tenant's the Transfer has not yet occurred. I also find that the Tenant has not provided any evidence that the Landlord has not acted in good faith. The Tenant has not provided any evidence of entitlement to transfer rental units or the Landlord's responsibility to comply by transferring her on a higher priority level. I find that no further action is required on the part of the Landlord. The Tenant's application is dismissed.

Conclusion

The Tenant's application is dismissed.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: July 08, 2011.

Residential Tenancy Branch